

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

|                                  |   |                                  |
|----------------------------------|---|----------------------------------|
| <b>In Re Application of:</b>     | ) |                                  |
|                                  | ) |                                  |
| <b>CARLOS VITERI,</b>            | ) | <b>NO. 08 - CV - 50031</b>       |
|                                  | ) |                                  |
| <b>Petitioner,</b>               | ) | <b>Judge Frederick J. Kapala</b> |
|                                  | ) |                                  |
| <b>vs.</b>                       | ) |                                  |
|                                  | ) |                                  |
| <b>GABRIELLA MARIA PFLUCKER,</b> | ) |                                  |
|                                  | ) |                                  |
| <b>Respondent.</b>               | ) |                                  |

**NOTICE OF MOTION**

**TO:** Rosa M. Tumialan, Esq.  
Dykema Gossett PLLC  
10 South Wacker Drive, Suite 2300  
Chicago IL 60606

**PLEASE TAKE NOTICE** that the undersigned will bring Respondent's Motion To Dismiss on for hearing before the Frederick J. Kapala, in his courtroom at the United States Courthouse, 211 South Court St., Rockford, IL 61101, on Friday the 4<sup>th</sup> day of April, 2008, at 9:00 in the forenoon of that day or as soon thereafter as counsel can be heard. A copy of said pleading is served upon you herewith.

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/S  
Robert M. Fagan

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**CERTIFICATE OF SERVICE**

I, Robert M. Fagan, certify that on March 31, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF), the above pleading served pursuant to the district court's ECF system as to ECF filers.

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/S  
Robert M. Fagan